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PTO/SB/21 (12-97)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/544,682
Filing Date	April 7, 2000
First Named Inventor	Robert J. DOHERTY, Peter L. TIERNEY and Marios ARNAOUTOGLU-ANDREOU
Group Art Unit	2131
Examiner Name	Norman M. WRIGHT Fax: (703) 746-7240
Attorney Docket Number	VIATEC P01AUS

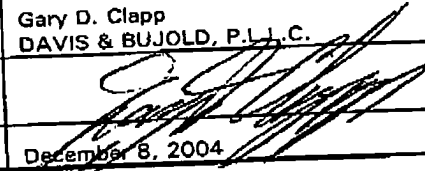
Total No. of Pages in this Submission: 26

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee attached <input checked="" type="checkbox"/> Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Part/s Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Petition <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): COPY of Notice of Non-Compliant Amendment (37 CFR 1.121)
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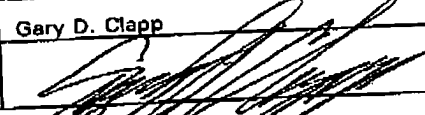
REMARKS

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	Gary D. Clapp DAVIS & BUJOLD, P.L.L.C.	Reg. No. 29,055 CUSTOMER NO. 020210
Signature		
Date	December 8, 2004	

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the USPTO on December 8, 2004

Type or printed name	Gary D. Clapp
Signature	
Date	December 8, 2004

DEC 08 2004

12/08/04

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Robert J. DOHERTY, Peter L. TIERNEY and
Serial no. : Marios ARNAOUTOGLOU-ANDREOU
Filed : 09/544,682
For : April 7, 2000
SYSTEM AND EMBEDDED LICENSE CONTROL
MECHANISM FOR THE CREATION AND
DISTRIBUTION OF DIGITAL CONTENT FILES AND
ENFORCEMENT OF LICENSED USE OF THE DIGITAL
CONTENT FILES
Group Art Unit : 2131
Examiner : Norman M. Wright
Docket : VIATEC P01AUS

The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Dear Sir:

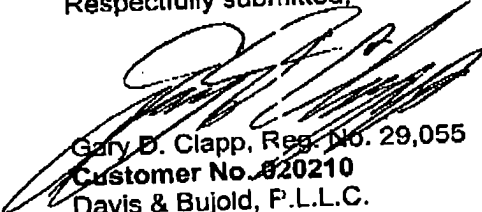
[XXX] NO FEES ARE PAYABLE WITH RESPECT TO THIS RESPONSE.

In response to the Notice of Non-Compliant Amendment (37 CFR 1.121) dated December 3, 2004, the Applicant appropriately revised the previous filed response to overcome the noted deficiencies, i.e., to include a marked-up version of the amended claims, and is resubmitting the same per the attached.

If anything further is required in order to respond to the outstanding Notice, please contact the undersigned by telephone to expedite handling of the same.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,


Gary D. Clapp, Reg. No. 29,055
Customer No. 820210

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UNITED STATES PATENT AND TRADEMARK OFFICE

09/544682

 COMMISSIONER OF PATENTS
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Notice of Non-Compliant Amendment (37 CFR 1.121)

This amendment document filed on 10-7-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
- ☐ B. New paragraph(s) should not be underlined.
- ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet 37 CFR 1.72.
- ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
- ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
- ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
- ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
- ☒ E. Other: Amend should read currently amended

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opa/procgnotices/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(e)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

Telephone No.

Rev. 6/04

DEC 08 2004

10/07/04

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Serial no.
Filed
For

ROBERT J. DOHERTY

09/544,682

04/07/2000

SYSTEM AND EMBEDDED LICENSE CONTROL
MECHANISM FOR THE CREATION AND DISTRIBUTION
OF DIGITAL CONTENT FILES AND ENFORCEMENT OF
LICENSED USE OF THE DIGITAL CONTENT FILES

Group Art Unit
Examiner
Docket

2134

Norman M. Wright

VIATECP01AUS

The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

[XXX] NO FEES ARE PAYABLE WITH RESPECT TO THIS RESPONSE.

In response to the official action mailed July 8, 2004, please enter the following before
reconsideration of this application.

Please amend the above identified Application as follows:

In the claims:

Please amend claim 24 as follows wherein insertions are indicated by underlining and
deletions are indicated by cross-outs.